

MESSAGE NO: 3343213 MESSAGE DATE: 12/09/2003

MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 2078205  
MESSAGE #  
(s):

CASE #(s): C-475-819

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/1999 TO 12/31/1999

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: COUNTERVAILING DUTY ASSESSMENT REGARDING CERTAIN PASTA FROM  
ITALY (C-475-819-008) FOR DELVERDE SPA ("DELVERDE")

MESSAGE NO: 3343213

DATE: 12 09 2003

CATEGORY: CVD

TYPE: LIQ

REFERENCE: 2078205

REFERENCE DATE: 03 19 2002

CASES: C - 475 - 819

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PERIOD COVERED: 01 01 1999 TO 12 31 1999

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: COUNTERVAILING DUTY ASSESSMENT REGARDING CERTAIN  
PASTA FROM ITALY (C-475-819-008) FOR DELVERDE SPA  
("DELVERDE")

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER OF 12/12/2001 (66 FR 64214), THE FINAL RESULTS OF ITS ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CERTAIN PASTA FROM ITALY FOR THE PERIOD 1/1/1999 THROUGH 12/31/1999. IN SUBSEQUENT LITIGATION CHALLENGING THESE RESULTS, THE COURT OF INTERNATIONAL TRADE ("CIT") ISSUED A PRELIMINARY INJUNCTION PROHIBITING THE DEPARTMENT OF COMMERCE FROM LIQUIDATING ENTRIES OF SUBJECT MERCHANDISE PRODUCED AND/OR EXPORTED BY DELVERDE SPA

("DELVERDE") (CUSTOMS ID NUMBERS C-475-819-008) FOR THE PERIOD FROM 1/1/1999 THROUGH 12/31/1999. AS A RESULT OF A SETTLEMENT AGREEMENT BETWEEN THE U.S. GOVERNMENT AND DELVERDE, THIS CIT INJUNCTION IS NO LONGER IN EFFECT. THEREFORE, MESSAGE NO. 2078205, DATED 3/19/2002, WHICH ENJOINED LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE PRODUCED AND/OR EXPORTED BY DELVERDE FOR THE PERIOD FROM 1/1/1999 THROUGH 12/31/1999 IS NO LONGER IN EFFECT.

2. PURSUANT TO THE SETTLEMENT AGREEMENT, DELVERDE'S NET SUBSIDY RATE WAS SET AT 2.13 PERCENT AD VALOREM FOR THE PERIOD 1/1/1999 THROUGH 12/31/1999. ACCORDINGLY, YOU ARE NOW INSTRUCTED TO LIQUIDATE ALL SHIPMENTS OF CERTAIN PASTA FROM ITALY ENTERED, OR WITHDRAWN FROM WAREHOUSE, BY DELVERDE FOR CONSUMPTION ON OR AFTER 1/1/1999 AND ON OR BEFORE 12/31/1999 AT 2.13 PERCENT OF ENTERED VALUE.

3. THE ASSESSMENT OF COUNTERVAILING DUTIES BY THE CUSTOMS SERVICE ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED COUNTERVAILING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

4. THE SUSPENSION OF LIQUIDATION ORDERED FOR THIS MERCHANDISE ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION ON OR BEFORE 12/31/1999 IS LIFTED.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY U.S. CUSTOMS AND BORDER PROTECTION OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY GIO1:SCHO).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party